



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Van Gilst *et al.*

Serial No.: 10/500,913

Filed: November 29, 2004

For: USE OF ERYTHROPOIETIN FOR
THE PREVENTIVE OR CURATIVE
TREATMENT OF CARDIAC FAILURE

Confirmation No.: 7130

Examiner: R. Mondesi

Group Art Unit: 1653

Attorney Docket No.: 2578-6485US

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 10, 2007

Date

Betty Vowles

Signature

Betty Vowles

Name (Type/Print)

BUDAPEST TREATY DECLARATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

I, Ronald Brus, hereby certify that I am the Chief Executive Officer of Crucell Holland B.V. ("Crucell") and declare that:

1. I am informed and believe that Crucell is the assignee of U.S. patent application 10/500,913 entitled USE OF ERYTHROPOIETIN FOR THE PREVENTIVE OR CURATIVE TREATMENT OF CARDIAC FAILURE.

2. As evidenced by the attached Deposit Receipt, I am informed and believe that Crucell made a deposit of the PER.C6™ cell line, under ECACC deposit number 96022940 under the provisions of the Budapest Treaty with the Centre for Applied Microbiology and Research Authority (European Collection of Animal Cell Cultures), Porton Down, Salisbury, Wiltshire SP4, OJG, United Kingdom, an International Depository Authority, on February 29, 1996.

3. On behalf of Crucell, I state that all restrictions upon public access to the deposit (except those restrictions permitted by 37 C.F.R. § 1.808(b)) will be irrevocably removed upon the grant of a U.S. patent on this U.S. patent application, and the deposit will be replaced if viable samples cannot be dispensed by the depository.

4. I am informed and believe that the deposit was accepted by the International Depository Authority, effective at least as early as February 29, 1996.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the patent.

6. Attached is a copy of the deposit receipt for ECACC deposit number 96022940.

Date:

1 November 2006


Dr. Ronald Brus